

REMARKS

Claims 1-11 are pending. Claims 1-10 are allowed and Claim 11 is objected to. By this Amendment, Claim 11 is amended. Applicants respectfully submit no new matter is presented.

Claims 1-10 Allowed

Applicants acknowledge and appreciate the indication by the Examiner that: Claims 1-10 will be allowed upon resolution of formal matters noted in Items 1 and 2 of the instant Office Action.

Formal Matters

Item 1 of the Office Action objects to the reissue oath/declaration (the Supplemental Declaration) filed on December 1, 2005, as being defective, stating that none of the errors which are relied upon to support the reissue application are errors upon which a reissue can be based.

The Office Action asserted that the feature of “the temperature inside of the cabinet being set to a predetermined temperature by a temperature setting means” provided on page 2, lines 8-10 of the Supplemental Declaration is claimed in pending claims 8-10. The Office Action further asserted that the feature of “the compressor control means and fan control means are responsive when the inside temperature of the cabinet either rises above or falls below the set of predetermined [standard] value” and “increasing or decreasing the rate of operation of the fan in the cabinet in accordance with a difference between the inside temperature of the cabinet and the predetermined [standard] value” provided on page 2, line

22 to page 3, line 7 of the Supplemental Declaration are claimed in pending claims 8-10.

Item 2 of the Office Action states that a supplemental reissue oath/declaration under 37 C.F.R. § 1.175(b)(1) must be received before the reissue application can be allowed.

Responsive to Items 1 and 2, the Applicants submit herewith a Second Supplemental Declaration which states the following errors in support of the reissue application: fan control means for operating said electric fan in the cabinet at a predetermined rate of operation during deactivation of said compressor in a condition where the inside temperature of the cabinet is set less than the predetermined temperature by adjustment of said temperature setting means and for operating said electric fan at a rate of operation less than the predetermined rate of operation during deactivation of said compressor in a condition where the inside temperature of the cabinet is set more than or equal to the predetermined temperature value by adjustment of said temperature setting means. These features are recited in claim 11 as filed in the Response to Quayle Action on May 5, 2006, and find support in column 11, line 28 to column 12, line 29 of the patent.

Withdrawal of the objection is respectfully requested.

Conclusion

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding objection, allowance of Claims 1-11, and the prompt issuance of a Notice of Allowability are respectfully solicited.

**For reissue of Patent No. 5,931,011
Serial No. 09/925,887
Attorney Docket No. 100816-00012**

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, referencing **attorney docket number 100816-00012**.

Respectfully submitted,



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RLB/wbp

Enclosures: Second Supplemental Declaration for Reissue Application
Petition for Extension of Time (3 months)